



IPW

Atty. Dkt. No. 035879-0165

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas E. WAGNER et al.
Title: AAV ITR-MEDIATED MODULATION
Appl. No.: 10/669,641
Filing Date: 9/25/2003
Examiner: Celine X. Qian
Art Unit: 1636

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.



TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

The foregoing documents were cited in the International Search Report in Applicants' International Application. A copy of the International Search Report setting forth the portion of each reference considered relevant by the examiner is attached.

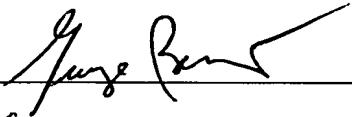
Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

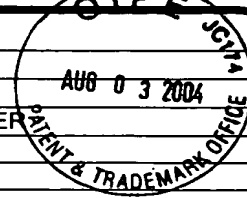
Respectfully submitted,

Date : August 3, 2004

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5490
Facsimile: (202) 672-5399

By  Reg # 42,322
for Michael D. Kaminski
Attorney for Applicant
Registration No. 32,904

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: August 3, 2004 <i>(use as many sheets as necessary)</i>			Complete if Known <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/669,641</td> </tr> <tr> <td>Filing Date</td> <td>9/25/2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Thomas E. WAGNER</td> </tr> <tr> <td>Group Art Unit</td> <td>1636</td> </tr> <tr> <td>Examiner Name</td> <td>Celine X. Qian</td> </tr> <tr> <td>Attorney Docket Number</td> <td>035879-0165</td> </tr> </table>		Application Number	10/669,641	Filing Date	9/25/2003	First Named Inventor	Thomas E. WAGNER	Group Art Unit	1636	Examiner Name	Celine X. Qian	Attorney Docket Number	035879-0165
Application Number	10/669,641															
Filing Date	9/25/2003															
First Named Inventor	Thomas E. WAGNER															
Group Art Unit	1636															
Examiner Name	Celine X. Qian															
Attorney Docket Number	035879-0165															
Sheet	1	of	1													

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	B1	Roli K. HIRATA et al., "Design and Packaging of Adeno-Associated Virus Gene Targeting Vectors", Journal of Virology, May 2000, Vol. 74, No. 10, pgs. 4612-4620.	
	B2	Jinsong REN et al., "Spectral and physical characterization of the inverted terminal repeat DNA structure from adenoassociated virus 2", Nucleic Acids Research, 1999, Vol. 27, No. 9, pgs. 1985-1990.	
	B3	C. C. YANG et al., "Cellular Recombination Pathways and Viral Terminal Repeat Hairpin Structures are Sufficient for Adeno-Associated Virus Integration in Vivo and In Vitro", Journal of Virology, December 1997, Vol. 71, No. 12, pgs. 9231-9247.	
	B4	Xu-Shan WANG et al., "Adeno-Associated Virus Type 2 DNA Replication In Vivo: Mutation Analyses of the D Sequence in Viral Inverted Terminal Repeats", Journal of Virology, April 1997, Vol. 71, No. 4, pgs. 3077-3082.	
	B5	Matthew D. WEITZMAN et al., "Interaction of Wild-Type and Mutant Adeno-Associated Virus (AAV) Rep Proteins on AAV Hairpin DNA", Journal of Virology, April 1996, Vol. 70, No. 4, pgs. 2440-2448.	
	B6	Kenneth RAJ et al., "Virus-mediated killing of cells that lack p53 activity", Nature, August 30, 2001, Vol. 412, pgs. 914-917.	
	B7	Xiao XIAO et al., "A Novel 165-Base-Pair Terminal Repeat Sequence is the Sole <i>cis</i> Requirement for the Adeno-Associated Virus Life Cycle", Journal of Virology, February 1997, Vol. 71, No. 2, pgs. 941-948.	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.